Frank Will Likely Face Trial Monday for Phagan Crime

Defense Subpoenas 150 Witnesses, and If Any of the Chief Witnesses Are Ill, Continuance Can Be Asked

JUDGE ROAN, WHO WAS ILL, IS REPORTED IMPROVED

Indications Now Are That Defense Will Make No Effort to Have Trial Put Off—144 Veniremen Summoned

The stage is set for the trial of Leo M. Frank for the murder of Mary Phagan on April 26.

Veniremen and witnesses for the defense are being summoned. The witnesses for the state are already under subpoena.

Judge L. S. Roan, who was ill Thursday, is better and ready for the trial. Solicitor General Hugh M. Dorsey will insist on a trial.

The attitude of the defense alone is problematical. Neither the state nor the defense is required to announce ready or not ready before a case is actually called in the court room, and apparently there will be no intimation from the defense until 9 o'clock Monday morning, when the clerk calls the name of the defendant in Atlanta's most sensational murder case.

DEFENSE SUMMONS 150.

The defense is summoning approximately 150 witnesses. It is said the majority of these witnesses will testify to Frank's character in event the defense decides to put it in issue. About thirty of the witnesses are material to the case of the defense; and the absence or inability of a witness to attend court would be sufficient grounds for a postponement of the case, as would be the illness of the defendant or one of his counsel.

STATE IS READY.

All of the witnesses for the state have been served with subpenas, and without exception, according to court attaches, they have expressed their willingness to be in the court room Monday morning.

There is now little probability that the trial will be postponed on account of weather conditions, although some days ago it was suggested that the trial would be too tedious to enter [1 word illegible] during the summer months.

It is said that because of the fact that Solicitor Dorsey will insist upon an early trial, the inability of one of the material witnesses for the defense to be present Monday would only serve to delay the case for a few days until he could be gotten into court. In case the commencement of the trial is delayed a short time, or in case the trial lasts longer than is generally expected, it is said that Judge Roan has secured the consent of Judge W. D. Ellis to preside in other parts of the circuit if he is needed there.

EXTRAORDINARY MOTION.

In fact, it now appears that only the probability of an extraordinary motion by Attorneys Luther Z. Rosser and Reuben R. Arnold, who represent Frank stands in the way of the actual commencement of the trial. Neither of the attorneys for the defense has intimated that such a motion will be made Monday morning.

The Frank trial will be staged in the court room on the first floor of the old city hall, the room generally occupied by the judge presiding over the motion division of the civil branch of the superior court.

This is the largest and coolest of the rooms now in use by the Fulton courts.

Deputy Sheriff Plennie Minor, who will have charge of the court room during the trial, has doubled the usual number of seats in the room, and probably 200 people can be accommodated, although it is expected that no spectators will be allowed to stand in the room.

MANY TO BE REJECTED.

It is generally expected that the jury to try Frank will not be chosen completely from the veniremen served.

The state has ten peremptory challenges, and the defense twenty. It is expected that every challenge will be used, eliminating thirty of the 144 veniremen. So great is the interest in the case and so widely has it been discussed that many of the veniremen have formed and expressed opinions on the case.

Again, it is a murder case and many of the veniremen will be eliminated because they are opposed to capital punishment.

As a result, it is not improbable that before twelve jurors are chosen to decide Frank's fate, bailiffs will have to bring many talesmen into court.

Harry Scott and H. [?]. Pierce, of the Pinkertons, were in conference with Solicitor Dorsey Friday afternoon. Both the Pinkertons and the solicitor declared there was no significance in their meeting.